

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**UNITED STATES of AMERICA**

**v.**

**EFRAIN MATIAS,**

**Defendant.**

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**Criminal Nos.  
09-40013-FDS  
08-40020-FDS**

**ORDER OF WARNING TO DEFENDANT REGARDING HIS RIGHT TO COUNSEL,  
RIGHT TO SELF-REPRESENTATION, AND RIGHT TO PRESENCE AT TRIAL**

On November 21, 2011, this Court affirmed the finding of the Magistrate Judge that defendant Efrain Matias has forfeited his Sixth Amendment right to appointed counsel by his conduct. The Court also reversed the Magistrate Judge's order granting the motion of defense counsel Richard Welsh to withdraw. The cases will therefore proceed with defendant represented by Mr. Welsh.

Defendant is hereby informed of the following.

1. Defendant may, if he chooses, assert his right to represent himself. He may also choose to represent himself with Mr. Welsh as stand-by counsel.
2. Defendant may, if he chooses, retain private counsel to replace Mr. Welsh.
3. Any failure by defendant to cooperate with his attorney will likely hinder his attorney's ability to defend him. Among other things, his failure to cooperate may increase the probability of a conviction in the upcoming trial and may cause him to receive a longer sentence than might otherwise result.
4. Defendant will be brought to court for the trial. Once the trial begins, defendant may choose not to be present, but the trial will proceed notwithstanding his choice,

pursuant to Fed. R. Crim. P. 43(c)(1)(A).

5. If defendant engages in further disruptive or obstructionist behavior at trial, or further abusive behavior directed to his counsel, the Court may deem that his conduct constitutes an implied assertion of the right to self-representation, in which case defendant will have no choice but to hire private counsel or to represent himself.

The Clerk is directed to serve a copy of this Order on defendant at the facility in which he is incarcerated.

**So Ordered.**

/s/ F. Dennis Saylor  
F. Dennis Saylor IV  
United States District Judge

Dated: November 22, 2011